

SPECIAL ORDINANCE NO. 5, 2010

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Address of lots to be rezoned:

1400-1416 South 15th Street, Terre Haute, IN 47803

Rezone From:	C- 6 Strip Business District and R-1 Single Family Residence District
Rezone To:	M-1 Light Industry District
Proposed Use:	Towing Facility
Name of Owner:	Dennis A. Andrews and Becky L. Andrews
Address of Owner:	1416 South 15 th Street Terre Haute, IN 47803
Phone Number of Owner:	(812) 232-3388 (Attorneys)
Attorney Representing Owner:	Richard J. Shagley
Address of Attorney:	500 Ohio Street, Terre Haute, IN 47808
For Information Contact:	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Attorney
Council Sponsor:	Richard Duncan

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

MAR 05 2010

SPECIAL ORDINANCE NO. 5, 2010

CITY CLERK

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lots 4, 5, 6, and 7, in H. Graham's Subdivision of the North half of Lot 16 in A. Dean's Subdivision of the North half of the East half and part of the West half of the North half of the South East quarter of Section 27, Township 12 North, of Range 9 West.

Subject to any and all easements, rights-of-way and other observable or recorded covenants, restrictions, conditions and limitations.

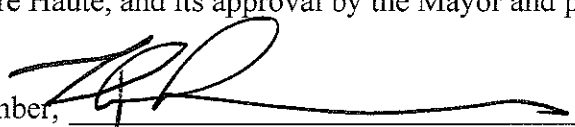
Together with one-half of the public alley as shown on the recorded plat of said subdivision, that adjoins the above described real estate; which said alley has been duly vacated.

Commonly known as 1400 – 1416 South 15th Street, Terre Haute, IN 47803.

be and the same is, hereby established as a M-1 Light Industry District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member,


Richard Dunkin, Councilperson

Passed in open Council this _____ day of April, 2010.

Neil Garrison, President

ATTEST:

Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of April, 2010.

Charles P. Hanley, City Clerk

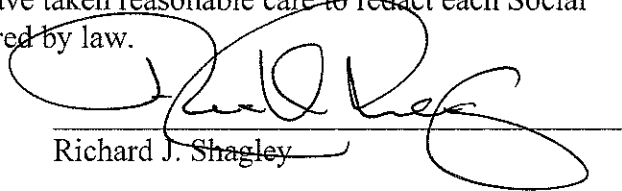
Approved by me, the Mayor of the City of Terre Haute, this ____ day of April, 2010.

Duke A. Bennett, Mayor

ATTEST:

Charles P. Hanley, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.



Richard J. Shagley

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 8448, Terre Haute, Indiana 47808-8448.

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY
OF TERRE HAUTE, INDIANA;

and THE PRESIDENT AND MEMBERS OF THE AREA PLANNING COMMISSION OF
VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Dennis A. Andrews and Becky L. Andrews, respectfully submit this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lots 4, 5, 6, and 7, in H. Graham's Subdivision of the North half of Lot 16
in A. Dean's Subdivision of the North half of the East half and part of the
West half of the North half of the South East quarter of Section 27,
Township 12 North, of Range 9 West.

Subject to any and all easements, rights-of-way and other observable or
recorded covenants, restrictions, conditions and limitations.

Together with one-half of the public alley as shown on the recorded plat of
said subdivision, that adjoins the above described real estate; which said
alley has been duly vacated.

Commonly known as 1400 – 1416 South 15th Street, Terre Haute, IN 47803.

Your Petitioners are informed and believe that in accordance with Chapter 10, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute", as amended, the above described real estate is now zoned as C-6 Strip Business District and R-1 Single Family Residence District.

Your Petitioners would respectfully state that the major portion of the real estate is now and has been used for Andrews Towing since 2007.

Your Petitioners would request that the real estate described herein shall be zoned as a M-1 Light Industry District to allow for the use as proposed by the Petitioners' buyer. Your Petitioners would allege that the M-1 Light Industry District would not alter the general characteristics of this neighborhood, since the real estate is located on one of the City's major streets.

Your Petitioners would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the area.

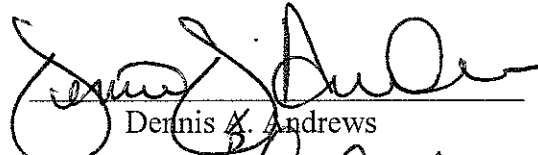
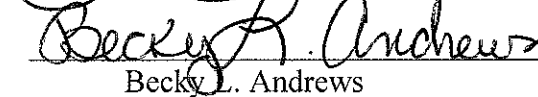
WHEREFORE, your Petitioners respectfully request that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the M-1 Light Industry District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioners have executed this Petition to Rezone Real Property this 26th day of February, 2010.

PETITIONERS

Dennis A. Andrews

Becky L. Andrews


Dennis A. Andrews

Becky L. Andrews

WRIGHT, SHAGLEY & LOWERY, P.C.

500 Ohio Street, P.O. Box 9849

Terre Haute, IN 47808-9849

Phone: (812) 232-3388

BY: 

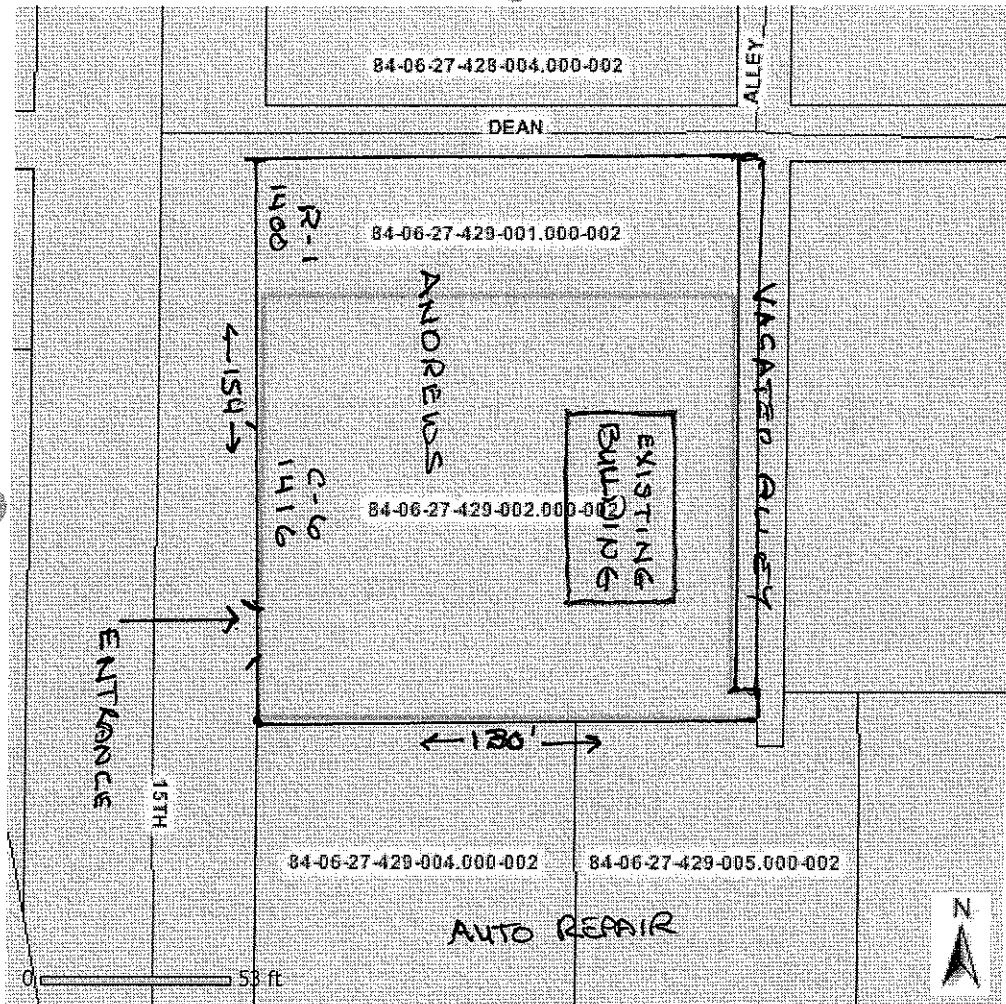
Richard J. Shagley, #257-84

Attorneys for Petitioner

The owners Dennis A. Andrews and Becky L. Andrews, mailing address: 1416 South 15th Street, Terre Haute, IN 47803

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 8448, Terre Haute, Indiana 47808-8448.

SITE PLAN



SO. 5, 2010

1400 - 1416
S 15th ST.R-1 and C-6
TO
M-1TOWING
FACILITY

Summary

WASHINGTON STREET

Parcel ID 84-06-27-429-001.000-002
 Sec/Twp/Rng 1400 -
 Property Address 1416 S 15TH ST
 TERRE HAUTE

Alternate ID N/A
 Class Com Other commercial structure
 Acreage 0.00

Owner Name ANDREWS DENNIS A & BECK
 Owner Address ANDREWS DENNIS A & BECK

960 BOLTON RD
 WEST TERRE HAUTE, IN 478

District 002 HARRISON
 Brief Tax Description GRAHAMS SUB ALSO 1/2 VAC ALLEY ADJ LOTS 4-6 27-12-9
 (Note: Not to be used on legal documents)

Last Data Upload: 3/4/2010 2:00:26 AM

DULY ENTITLED TO TAXATION
Subject to final acceptance for transfer

2007006766 WD \$16.00
05/09/2007 08:29:33A 1 PGS
RAYMOND L. WATTS
VIGO County Recorder IN
Recorded as Presented

MAY 09 2007


VIGO COUNTY NOTARY PUBLIC

WARRANTY DEED

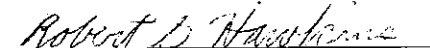
This Indenture Witnesseth that Robert G. Hawkins, a competent adult, of Vigo County, State of Indiana, Conveys and Warrants to Dennis A. Andrews and Becky L. Andrews, husband and wife, of Vigo County, State of Indiana, for and in consideration of One Dollar and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Vigo County, State of Indiana, to-wit:

Lots 4, 5 and 6, ^{and 7} in H. Graham's Subdivision of the North half of Lot 16 in A. Dean's Subdivision of the North half of the East half and part of the West half of the North half of the South East quarter of Section 27, Township 12 North, of Range 9 West.

Subject to any and all easements, rights-of-way and other observable or recorded covenants, restrictions, conditions and limitations.

Together with one-half of the public alley as shown on the recorded plat of said subdivision, that adjoins the above described real estate; which said alley has been duly vacated.

IN WITNESS WHEREOF, The said grantor above named has hereunto set his hand and seal, this 4th day of May, 2007.


Robert G. Hawkins

STATE OF INDIANA, COUNTY OF VIGO) SS:

Before me, a Notary Public in and for said county and state, this 4th day of May, 2007, personally appeared Robert G. Hawkins, a competent adult, who acknowledged the execution of the foregoing Warranty Deed to be his voluntary act and deed and stated that the representations therein contained are true as he verily believes.

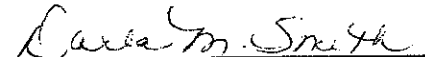
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official

seal:

My Commission Expires:

March 4, 2011

Mail Tax Duplicates to: _____


DARLA M. SMITH, Notary Public

A resident of VIGO County, Indiana

This instrument prepared by: C. Don Nattkemper, Attorney at Law, 2901 Ohio Boulevard, Suite 160, Terre Haute, Indiana 47803.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Exhibit A

QUIT CLAIM DEED

THE GRANTOR, G. X. Thompson 1348 Ohio St, City of Terre Haute County of Vigo, State of Indiana for and in consideration of \$1.00 (One and no/100 dollars) and other valuable considerations convey and quit-claim to, Dennis & Becky Andrews of 960 Bolton Rd City of West Terre Haute 47885 County of Vigo State of Indiana all interest in the following real estate:

Lot Number Seven (7) in H. Graham's Subdivision of the North half of Lot No. 16 in Deans Subdivision of the North half of the East half and front of the West half of the North half of the South East quarter of Section, 27, in Township 12 North of Range 9 West, of the 2nd Principal Meridian in Terre Haute, Vigo County, Indiana.

Commonly referred to as: 1400 S. 14th, Terre Haute, Indiana

Dated this 3rd day of December 2009.


G. X. Thompson

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

DEC 04 2009

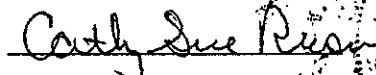
STATE OF Indiana
County of Vigo


TIMOTHY M. SHEPPARD
VIGO COUNTY AUDITOR

I, Cathy Sue Rusin, Notary Public in and for the state of
Indiana, do hereby certify that on this 3rd day of Dec., 2009, personally appeared before me
G. X. Thompson

to me known to be the individuals described in and who executed the within instrument and acknowledge that they signed the same as their free and voluntary act and deed for the uses and purposes mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 3rd day of Dec., 2009.


Cathy Sue Rusin

Notary Public in and for the State of Indiana, residing at 2104 Beech in said County

My commission expires 10/19/16

This instrument prepared by G. X. Thompson.

I affirm, under the penalties for perjury,
that I have taken reasonable care to redact
each Social Security number in this
document, unless required by law.

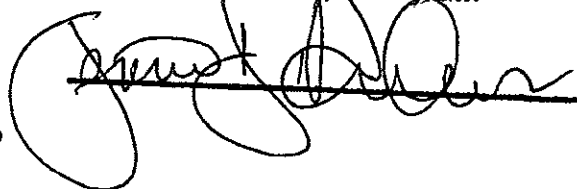


EXHIBIT B

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now Dennis A. Andrews, being duly sworn upon his oath, deposes and says:

1. That Dennis A. Andrews and Becky L. Andrews, are the fee simple owners of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lots 4, 5, 6, and 7, in H. Graham's Subdivision of the North half of Lot 16 in A. Dean's Subdivision of the North half of the East half and part of the West half of the North half of the South East quarter of Section 27, Township 12 North, of Range 9 West.

Subject to any and all easements, rights-of-way and other observable or recorded covenants, restrictions, conditions and limitations.

Together with one-half of the public alley as shown on the recorded plat of said subdivision, that adjoins the above described real estate; which said alley has been duly vacated.

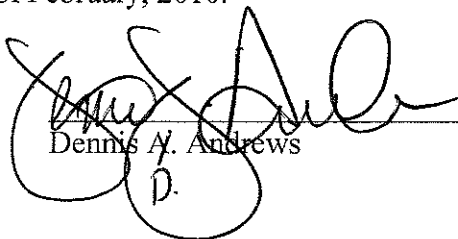
Commonly known as 1400 – 1416 South 15th Street, Terre Haute, IN 47803.

2. That a copy of the Warranty Deed, dated May 7, 2007, and Quitclaim Deeds, dated December 3, 2009, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Dennis A. Andrews and Becky L. Andrews are attached hereto and made a part hereof and marked as Exhibits A and B.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Dennis A. Andrews and Becky L. Andrews, are the owners of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Dennis A. Andrews and Becky L. Andrews.

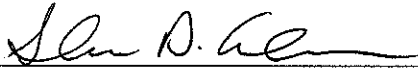
4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 26th day of February, 2010.


Dennis A. Andrews

STATE OF INDIANA)
)SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said County and State, this 26th day of February, 2010, appeared Dennis A. Andrews, who acknowledged the execution of the above as the voluntary act and deed, and further acknowledged that he is authorized to execute the same.



Sharon D. Anderson, Notary Public

My Commission Expires:

County of Residence:

11-15-2010

Putnam

This instrument was prepared by Richard J. Shagley, Attorney, Wright, Shagley & Lowery, 500 Ohio Street, Terre Haute, Indiana 47807.